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HUMAN RIGHTS COMMITTEE
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

EGYPT

1. The Committee considered the second periodic report of Egypt (CCPR/C/51/Add.71) at its 1244th to 1247th meetings, held on 19 and 20 July 1993, and adopted * the following comments:

A. Introduction

2. The Committee welcomes the report of Egypt and the willingness of the Government of the State party to continue the dialogue with the Committee reflected by the high level of the delegation. It regrets, however, that the report has been submitted four years behind schedule, that it has not been drawn up in accordance with its guidelines for the presentation of State party reports (CCPR/C/20/Rev.1) and that the information contained in the body of the report has not been organized following the sequence of the articles of the Covenant. While the report provides comprehensive information on the legislation of Egypt and has an Annex attached to it which contains a very useful comparative analysis of the legislation in respect of the provisions of the Covenant, it provides very little information on practice relating to the implementation of the Covenant and the actual enjoyment of human rights in Egypt or difficulties negatively affecting it. The Committee feels that further information, especially statistics, would have been particularly

* At its 1260th meeting (forty-eighth session), held on 29 July 1993

useful with regard to certain important issues such as the imposition of the death penalty, investigations of allegations of torture, the prosecution and actual punishment of the perpetrators of acts of torture, maltreatment and abuse of firearms. Statistics on the participation of women in the conduct of public affairs would also have been appreciated.

3. The Committee thanks the State party for the core document (HRI/CORE/1/Add.19) drawn up in accordance with the consolidated guidelines for the initial part of State party reports to be submitted under the various international human rights instruments (HRI/1991/1).

4. The Committee also pays tribute to the effort of the delegation of Egypt to provide information and explanations useful for a better understanding of the situation with regard to the implementation of the Covenant in the State party. The Committee takes note of the information on the status of the Covenant in Egyptian legislation even though certain clarifications are still needed with regard to the harmonization of domestic legislation with the Covenant, relating in particular to the state of emergency and certain provisions of the Covenant.

5. The delegation and the Permanent Mission of Egypt to the United Nations Office at Geneva informed the Committee about the content of the Presidential Decree of 9 December 1981 on the ratification by Egypt of the Covenant. The Committee regrets that it had no opportunity to discuss with the delegation the exact meaning of the Decree, which was belatedly brought to its attention.

B. Positive aspects

6. The Committee welcomes the renewed positive dialogue with the State party, which has helped the Committee to evaluate the situation in Egypt, including compatibility of domestic legislation with the provisions of the Covenant as well as factors and difficulties affecting the implementation of the Covenant in Egypt. The Committee acknowledges the State Party's firm commitment to the principles of the rule of law and democracy.

C. Factors and difficulties impeding the application of the Covenant

7. The Committee notes that the state of emergency in force in Egypt without interruption since 1981 constitutes one of the main difficulties impeding the full implementation of the Covenant by the State party. In June 1991, the state of emergency was extended until June 1994. In this connection, the Committee regrets that Egypt has not informed the other States parties to the Covenant, through the Secretary-General, of the provisions from which it has derogated and of the reasons by which it was actuated, as specifically required by article 4, paragraph 3, of the Covenant. The delegation, however, assured the Committee that this had happened quite inadvertently.

D. Principal subjects of concern

8. The Committee expresses concern at the many severe measures taken by the Egyptian Government to combat terrorism in the country. It is aware that the increasing number of terrorist acts especially in the last 12 months have created a dramatic situation in the country. However, recognizing that the

Government has a duty to combat terrorism, the Committee considers that the measures taken to do so should not prejudice the enjoyment of the fundamental rights enshrined in the Covenant, in particular, its articles 6,7 and 9. The Committee is particularly disturbed by the adoption in 1992 of law No. 97 on terrorism, which contains provisions contrary to articles 6 and 15 of the Covenant. The definition of terrorism contained in that law is so broad that it encompasses a wide range of acts of differing gravity. The Committee is of the opinion that the definition in question should be reviewed by the Egyptian authorities and stated much more precisely especially in view of the fact that it enlarges the number of offences which are punishable with the death penalty. The Committee underscores that according to article 6, paragraph 2 of the Covenant, only the most serious crimes may lead to the death penalty.

9. The Committee also expresses concern at the long duration of the state of emergency in Egypt. Moreover, under the Emergency Act, the President of the Republic is entitled to refer cases to the State security courts, to ratify judgments and to pardon. The President's role as both part of the executive and part of the judiciary system is noted with concern by the Committee, notwithstanding that in the matter of appeal it was explained that it would act only to reduce sentences. On the other hand, military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties.

10. In addition, concern is expressed by the Committee about the duration and conditions of police custody and administrative detention in Egypt which are likely to expose accused persons to torture and ill-treatment by the police and security forces, as demonstrated by numerous allegations reported by reliable non-governmental sources of information. In this connection, the Committee regrets that Egypt did not provide it with adequate information on investigations made and penalties applied to perpetrators of torture and on compensation and medical rehabilitation of victims of torture, though some additional information was given by the representative of the State party in his final remarks.

11. The Committee also expresses concern about the multitude of special courts in Egypt. From the point of view of legal consistency in the judicial procedure and procedural guarantees it is important that special courts exist as an exceptional measure, if at all.

12. Furthermore, the Committee is worried about restrictive legal provisions existing in Egypt with regard to freedom of thought, conscience, religion, assembly and association. Restrictions not in conformity with article 18 of the Covenant regarding various religious communities or sects, such as Baha'is, are a matter of particular concern. Equally, general concern is expressed by the Committee at the denial by the Egyptian authorities of the existence in the country of religious or other minorities as well as the existence in certain laws of provisions concerning penalties of imprisonment with compulsory labour for political offences. There are, in addition, many areas where the law discriminates against women and restricts them in the equal enjoyment of rights and freedoms.

E Suggestions and recommendations

13. The Committee recommends that the State party should examine carefully the comments and the observations it has made during the consideration of Egypt's second periodic report in order to consider and adopt legal and practical measures to ensure effective implementation of all the provisions of the Covenant. In addition, many questions and requests for information which have remained unanswered during the debate should find exhaustive replies in the next periodic report. The Committee also recommends that the Egyptian authorities should establish a closer and constructive dialogue with non-governmental organizations active in the field of human rights, and elaborate training programmes on human rights specifically addressed to public officials. The Committee recommends that the State party bring its legislation in conformity with the provisions of article 6 of the Covenant and, in particular, limit the number of crimes punishable by the death penalty. The Committee also recommends that the State party pay particular attention to the protection of the rights of those who are arrested and detained.